



January 24, 2014

HOUSE BILL No. 1233

DIGEST OF HB 1233 (Updated January 21, 2014 10:08 am - DI 84)

Citations Affected: IC 20-26.

Synopsis: Background checks by schools. Makes changes to the definition of "expanded criminal history check". Provides that an employee of a school corporation, a charter school, or an accredited nonpublic school must receive an expanded criminal history check every five years.

Effective: July 1, 2014.

Thompson

January 14, 2014, read first time and referred to Committee on Education.
January 23, 2014, reported — Do Pass.

HB 1233—LS 6355/DI 116



January 24, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1233

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-2-1.5, AS ADDED BY P.L.121-2009,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2014]: Sec. 1.5. "Expanded criminal history check" means a
4 criminal history background check of an individual that includes:

5 (1) a **background check by a consumer reporting agency**
6 **regulated under 15 U.S.C. 1681 et seq. that includes a:**

7 **(A) verification of the applicant's identity;**

8 **(B) search of all names associated with the applicant;**

9 ~~(A)~~ **(C)** search of the records maintained by all counties in
10 Indiana in which the individual who is the subject of the
11 background check resided;

12 ~~(B)~~ **(D)** search of the records maintained by all counties or
13 similar governmental units in another state, if the individual
14 who is the subject of the background check resided in another
15 state; ~~and~~

16 ~~(C) check of:~~

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(i) sex offender registries in all fifty (50) states; or
 (ii) the national sex offender registry maintained by the
 United States Department of Justice; or

**(E) search of United States district court records from the
 districts in which the applicant resided;**

**(F) check of sex offender registries in every state or the
 national sex offender registry maintained by the United
 States Department of Justice; and**

(G) multistate criminal data base search; or

(2) a:

(A) national criminal history background check (as defined in
 IC 10-13-3-12); and

(B) check of:

(i) sex offender registries in all fifty (50) states; or

(ii) the national sex offender registry maintained by the
 United States Department of Justice.

SECTION 2. IC 20-26-5-10, AS AMENDED BY P.L.121-2009,
 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2014]: Sec. 10. (a) A school corporation, including a charter
 school and an accredited nonpublic school, shall adopt a policy
 concerning criminal history information for individuals who:

(1) apply for:

(A) employment with the school corporation; or

(B) employment with an entity with which the school
 corporation contracts for services;

(2) seek to enter into a contract to provide services to the school
 corporation; or

(3) are employed by an entity that seeks to enter into a contract to
 provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with
 children within the scope of the individuals' employment.

**(b) Beginning after June 30, 2014, a school corporation,
 including a charter school and an accredited nonpublic school,
 shall adopt a policy requiring employees of the school corporation
 who are likely to have direct, ongoing contact with children to
 obtain an expanded criminal history check every five (5) years.**

~~(b)~~ (c) A school corporation, including a charter school and an
 accredited nonpublic school, shall administer a policy adopted under
 this section uniformly for all individuals to whom the policy applies. A
 policy adopted under ~~this section~~ **subsection (a)** must require that the
 school corporation, charter school, or accredited nonpublic school
 conduct an expanded criminal history check concerning each applicant



1 for noncertificated employment or certificated employment before or
2 not later than three (3) months after the applicant's employment by the
3 school corporation, charter school, or accredited nonpublic school.
4 Each individual hired for noncertificated employment or certificated
5 employment may be required to provide a written consent for the
6 school corporation, charter school, or accredited nonpublic school to
7 request an expanded criminal history check concerning the individual
8 before or not later than three (3) months after the individual's
9 employment by the school corporation.

10 (d) The school corporation, charter school, or accredited nonpublic
11 school may require the individual to provide a set of fingerprints and
12 pay any fees required for the expanded criminal history check. Each
13 applicant for noncertificated employment or certificated employment
14 **described in subsection (a) or an employee described in subsection**
15 **(b)** may be required at the time the individual applies **under**
16 **subsection (a) or renews an expanded criminal history check under**
17 **subsection (b)** to answer questions concerning the individual's
18 expanded criminal history check. The failure to answer honestly
19 questions asked under this subsection is grounds for termination of the
20 employee's employment.

21 (e) The applicant **described in subsection (a)** is responsible for all
22 costs associated with obtaining the expanded criminal history check.

23 (f) An applicant **or employee** may not be required by a school
24 corporation, charter school, or accredited nonpublic school to obtain an
25 expanded criminal history check more than one (1) time during a five
26 (5) year period.

27 ~~(e)~~ (g) Information obtained under this section must be used in
28 accordance with law.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1233, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1233 as introduced.)

Committee Vote: Yeas 10, Nays 0

Representative Behning

